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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,100	12/29/2000	Eric D. Fagerburg	10559/322001/P9683	8242
20985	7590	09/09/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,100

Applicant(s)

FAGERBURG ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-13 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 4-6, 14-16, 25-28, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. This communication is responsive to the amendment filed on April 22, 2004 where applicant amended claims 5,6,16 and 24, cancelled claims 29 and 30, and added new claims 31 and 32. Claims 1-28,31 and 32 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1,2,3,7,8 and 10 rejected under 35 U.S.C. 102(a) as being anticipated by (DoubleVision 3.0 by Tridia).

4. In reference to claim1, DoubleVision 3.0 teaches a method comprising:

prompting a first user at a UNIX-based machine for permission for a second user at a machine remotely-located from the UNIX-based machine to control the UNIX-based machine; and if the first user grants permission, enabling the second user to use the first machine through the machine remotely-located from the UNIX-based machine  
(see <http://www.officesoft.com/utilities/doublevision.html>).

Art Unit: 2157

5. In reference to claim 2, DoubleVision teaches the method of claim 1 in which the prompting comprises making the prompt known to the first user by displaying information on a display of the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

6. In reference to claim 3, DoubleVision teaches the method of claim 1 in which the second user uses the UNIX-based machine through the machine remotely-located from the UNIX-based machine as if the second user was directly using the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

7. In reference to claim 7, DoubleVision teaches the method of claim 1 in which the using of the UNIX-based machine includes issuing text commands to the UNIX-based machine from the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

8. In reference to claim 8, DoubleVision teaches the method of claim 1 further causing a machine to, if the first user does not grant permission, prevent the second user from using the UNIX-based machine through the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>). It is taught that the user can grant permission, it is therefore inherent that the viewed user deny permission if so desired.

9. In reference to claim 10, Coman teaches the method of claim 1 in which the prompting is text-based (see <http://www.officesoft.com/utilities/doublevision.html>).

10. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over (DoubleVision 3.0 by Tridia) in view of Edwards (US Patent No. 6,594,686).

Art Unit: 2157

In reference to claim 9, DoubleVision teaches the method of claim 1. DoubleVision does not explicitly teach if the first user at the UNIX-based machine does not respond to the prompting within a certain threshold time, enable by default the second user to use the UNIX-based. However, Edwards teaches software which takes default action if a user response is not received within a certain time (column 3 and column 8 lines 25-40).

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by making a default action occur if a user does not respond within a certain time as per the teachings of Edwards so that UNIX systems can be controlled remotely over a network/Internet if there is no user attending the UNIX system.

11. Claims 11-13,17-24 do not teach any new limitations above claims 1-3,7-10 and are therefore rejected for the above mentioned reasons.

***Allowable Subject Matter***

12. Claims 4-6, 14-16,25-28,31 and 32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

The below indicated limitations if written into their independent claim would render the claims patentable due to the novelty of the subject matter:

Art Unit: 2157

- replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine;
- adding to the new screen a prompt that asks the first user for the permission;
- replacing the current contents of the screen on the UNIX-based machine with the new screen;
- determining if the second user may control the UNIX-based machine based on a response to the text prompt by the first user;
- switching the originally active console to then be the currently active console, and deallocating the virtual console.

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***Response to Arguments***

14. Applicant's arguments with respect to claims 1-32 have been considered.

A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

Art Unit: 2157

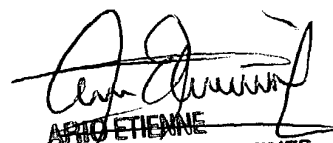
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
September 6, 2004

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100